TOWN OF SCHERERVILLE SCHERERVILLE, INDIANA
REGULAR TOWN COUNCIL MEETING APRIL 12, 2017

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by Vice President Michael Troxell at 7:33 p.m. in the Schererville Town Hall, 10 E. Joliet Street Schererville, IN.

Attendance was taken with the following Councilmen present: Kevin Connelly, David DeJong, Michael Troxell and Thomas Schmitt. Councilman absent: Rob Guetzloff. Staff members present: Attorney David Austgen, Deputy Fire Chief Bob Patterson, Police Chief Dave Dowling, Deputy Police Chief Dennis Zagrocki, Town Engineer Jim Mandon, Director of Public Works Jeff Huet, Town Manager Robert Volkmann, Administrative Assistant Diane Horar and Clerk-Treasurer Janice Malinowski

THEREUPON, Approval of the minutes. Mr. Schmitt made a motion to approve the minutes of the March 8, 2017 Public Meeting, seconded by Mr. Connelly. All in favor (4-0).

THEREUPON, Claims

A. APV #65675 – APV #66456 on the General Docket, Totaling $3,2017,353.25
B. APV #65764 – APV #66783 on the MVH Docket, Totaling $100,794.73
C. Solid Waste Management Fund – Dave's Tree Service, Tree & Stump Removal $2,200.00
D. General – Admin Fund, Austgen Kuiper Jasaitis, Various Invoices $6,561.75
E. Public Safety – LOIT Fund, Austgen Kuiper Jasaitis, Southcom PSAP $735.75
F. General – Animal Control Fund, Animal Control Care Center, March Invoices $1,307.46
G. Various Funds, Bliss McKnight, Workman's Comp $36,837.52
H. Public Safety Fund, Kivu Consulting $30,436.25
I. Ambulance Fund, The Accumed Group, Various Invoices $1,617.68

Mr. Connelly made a motion to accept the claims as submitted, seconded by Mr. DeJong. All in favor (4-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Mr. Connelly gave congratulations to our Police Department. He stated the CALEA assessors were in Town and left with some positive feedback. Chief Dowling stated that last week they had their on-site assessment that they do every three years and their exit conference came out with no reported issues. He stated that the final reports will not come out until late May or early June.

THEREUPON, Public Comments Regarding Agenda Items

Mr. Randy Palmateer stated he would like to thank the Town Council of Schererville for working very diligently with the Building Trades Council and the Construction Foundation. Mr. Palmateer stated he represents the Northwestern Indiana Building and Construction Trades Council which encompasses approximately 25,000 members that live in the Lake, Porter, Newton and Jasper County area. Mr. Palmateer stated he would urge the Council to support Ordinance #1900.

Mr. Dewey Pearman, Executive Director of Construction Advancement Foundation of Northwest Indiana. He stated they represent approximately 600 contractors that work in the Northwest Indiana market, in the Commercial, Industrial and Public Works segments of the industry. Mr. Pearman also stated he would like to see the Town Council pass Ordinance #1900 this evening.

THEREUPON, Old Business

ITEM A. Ord. #1900, An Ordinance Establishing Submission Requirements for Bidders on Town of Schererville Public Works Projects as well as Establishing Responsible Bidding Practices and Determination Standards, and all Matters Related Thereto (Second Reading)

Mr. Troxell stated that they have received e-mails from Mr. Palmateer and Mr. Sutton asking us to consider what we had passed last month on first reading. Mr. Troxell stated that the current threshold in there is $300,000.00 and it was asked to bring that down to $200,000.00 as a threshold for our projects to make sure that responsible bidder Ordinance applies to those projects with those dollar amounts.

Mr. Schmitt made a motion to adopt Ordinance #1900 with the amendment changing the $300,000.00 threshold down to $200,000.00 threshold, seconded by Mr. Connelly. All in favor (4-0).

Mr. Schmitt stated that he went to his first workshop on the Responsible Bidding Ordinance and he would like to compliment Mr. Pearman, Mr. Palmateer and Mr. Sutton for putting this together.

THEREUPON, New Business

ITEM A. PUBLIC HEARING
Proof of Publication
Opening Remarks for CDBG Public Hearing – Park Projects
Open to the floor for comments
Citizen Participation Plan

Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act of 1968
Lake County, Indiana, Section 3 Understanding

Attorney Austgen stated he has reviewed the Proofs of Publication and find them to be in order. Attorney Austgen stated that the only item that Mr. Troxell needs into the record is the Opening Remarks, he stated the other items can be acted on without such.

Mr. Troxell read the following Opening Remarks into the record.

**OPENING REMARKS FOR CDBG PUBLIC HEARING**

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities were CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2017 & 2018, the Town of Schererville CDBG allocation is approximately $122,390.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/modest income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st and needs to be expended by June 15th** of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the Town Executive to submit a project proposal for CDBG funding.

Finally Project Applications, and supporting documentation, need to be submitted no later than **April 21, 2017** for review by Lake County.

Mr. Tim Brown, Executive Director for the Housing and Urban Development Act, stated that about a month ago the White House announced that they are going to eliminate 6.2 billion dollars' worth of program dollars. He stated that is completely cutting Community Block Grants. Mr. Brown stated that a week ago they announced that now it is going to be a 50% cut. Mr. Brown stated that he has sent information to the Town Council President and to Mr. Volkmann of what the Department of Community Block Grant has been doing.

Mr. Troxell read the Citizen Participation Plan into the record.

**CITIZEN PARTICIPATION PLAN**

The following if a detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;

2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the Secretary, and relation to the actual use of funds under the Act;

3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance to be determined by the grantee;

4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performances, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped;

5. Provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and

6. Identifies how the needs of non-English speaking residents will be in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Attorney Austgen stated that the Affirmative Action Program should also be included in the minutes.

Mr. Schmitt made a motion that Mr. Troxell read by title only, the Affirmative Action Program, seconded by Mr. Connelly. All in favor (4-0).

Mr. Troxell read by title only the Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act of 1968.

**AFFIRMATIVE ACTION PROGRAM**
**IMPLEMENTING SECTION 3 OF THE**
**HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

**SPECIFIC AFFIRMATIVE ACTION STEPS**

TOWN OF SCHERERVILLE agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

A. To ascertain from HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the Affirmative Action Plan.

B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.

C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.

D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.

E. To insure that contract which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.

F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.

G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.

H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.

I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 Affirmative Action Plan.

Mr. Schmitt made a motion that Mr. Troxell read by title only the Section 3 Understanding, seconded by Mr. Connelly. All in favor (4-0).

Mr. Troxell read by title only the Lake County, Indiana Section 3 Understanding.

**LAKE COUNTY, INDIANA**
**Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvement assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

- 30% of all covered new hires for the years FY 2017 & 2018

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CRF 135 and the Lake County Section 3 Plan.

Res. #2017-7, A Resolution Authorizing and Directing the Town of Schererville to Submit a Project Proposal for Community Development Block Grant Funds for the Federal Fiscal Years 2017-2018

Mr. Volkmann stated that we have targeted the Plum Creek Park and Handicapped accessibility to the Park Playground Equipment and accessible paths as the project for the 2017-2018 CDBG Funds.

Mr. Connelly made a motion to adopt Resolution #2017-7, seconded by Mr. Schmitt. All in favor (4-0).

ITEM B. Ord. #1901, an Ordinance Amending the Wholesale Water Tracker Component of the Rates and Charges Collected by The Town of Schererville Municipal Water Utility, and All Matters related thereto.

Mr. Troxell stated that we heard this at the Waterworks Board Meeting earlier.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1901, seconded by Mr. DeJong. All in favor (4-0).

ITEM C. Ord. #1902, An Ordinance Amending Town Ordinance No. 1190, Being: "An Ordnance Setting the Pro Rata Share for the

Extension of the Potable Water System to the Residents of Scherland Park Subdivision" and all matters related Thereto

Mr. Troxell stated that this was discussed earlier at the Utility Board Meeting.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1902, seconded by Mr. Schmitt. All in favor (4-0).

Mr. Connelly made a motion to adopt Ordinance #1902, seconded by Mr. DeJong. All in favor (4-0).

ITEM D. Ord. #1903, An Ordinance Amending Town Ordinance No. 1589 Being: "An Ordinance Establishing an Activities Fee Schedule for the Town Department of Parks and Recreation And all Matters Related Thereto, and Repealing all Town Code Sections or Town Ordinance or Parts Thereof, in Conflict Herewith

Mr. Volkmann stated that this is the annual fee schedule we receive from the Park Department for the Activities they have. Mr. Volkmann stated that they have highlighted fees that have changed and there are also some new programs.

Mr. Schmitt made a motion to consider on 1st reading, Ordinance #1903, seconded by Mr. Connelly. All in favor (4-0).

Mr. Connelly made a motion to adopt Ordinance #1903, seconded by Mr. DeJong. All in favor (4-0).

ITEM E. Res. #2017-8, A Resolution to Transfer Funds within a Category of Appropriations

Mrs. Malinowski explained the Transfer of Funds.

Mr. Connelly made a motion to adopt Resolution #2017-8, seconded by Mr. Schmitt. All in favor (4-0).

ITEM F. Consider Request for Variance of Use to Allow an Auto Parts Retailer with no Service Provided to the located Within the U.S. 41 Commercial Corridor Overlay District

Petitioner: George D. Hanus, Trustee of National Surety Trust No. IN-931
Location: 1150-1152 U.S. 41
Favorable BZA Recommendation (3-0).

Mr. Volkmann stated that this is the old site of the Sears Hardware Store. He stated that last year the tile store moved into part of it and this is for the remainder of the square footage there. He stated it is an Auto Parts Store.

Mr. Greg Bower, owner of the property explained to the Town Council the process they took to the BZA in order receive the Favorable Recommendation.

Mr. Connelly made a motion to grant the request for Variance as described above, along with the Finding of Facts and any contingencies, seconded by Mr. DeJong. All in favor (4-0)

ITEM G. Award Bid for Road Materials & Landscaping per Jeff Huet, Public Works Director, Recommendation

Mr. Volkmann stated that we bid out all of the Asphalt, Paving, Road Materials and Landscaping services this year. He stated that bids on some of them were pretty tight.

Landscaping – Season's Landscaping was the lowest most responsive and responsible bidder, they have done our work off and on for the last eight to ten years.

Asphalt Paving – Walsh & Kelly was the lowest most responsive and responsible bidder.

Poured-In-Place Concrete Services – Mr. Volkmann stated that we had two bidders that were within pennies of each other. He stated that Big Concrete was the lowest and COEX Concrete was second lowest, but COEX has done our work for several years and has always performed very well for us. Mr. Volkmann stated that in review of Big Concrete they are not currently licensed in the Town of Schererville, their license has lapsed. He stated that they were only pennies apart and his recommendation is to award to COEX as the most responsive and responsible bidder.

Sand, Stone, Gravel and Black Dirt – we had two vendors that were very close in pricing; Quarry Cartage out of Dyer and Walter's Excavating that is here in Schererville. Mr. Volkmann stated there were a couple of questions on Quarry Cartage on being able to deliver off hours because they have no stock yard at the facility in Dyer. Mr. Volkmann stated his recommendation is that Walter's Excavating is the most responsive and responsible bidder.

Concrete Disposal – There was only one bidder, Walter's Excavating. Mr. Volkmann stated he would recommend the bid be awarded to Walter's Excavating.

Mr. Connelly made a motion to award the bids as recommended by Mr. Volkmann, seconded by Mr. Schmitt. All in favor (4-0).

ITEM H. Award Proposal for Harvest Drive & US 30 Intersection Project per Robinson Engineering Recommendation

Mr. Mandon stated that we received two proposals, one from Walsh & Kelly and one from Reith-Riley. He stated they examined their bids for accuracy and completeness and Walsh & Kelly is the proposal that Mr. Mandon is recommending because they are the most responsive and responsible bidder.

Mr. Mandon stated that this project includes the removal of the center median in order to widen the intersection and provide for more stacking for left turns.

Mr. Schmitt made a motion to approve the recommendation to award the bid to Walsh & Kelly, seconded by Mr. Connelly. All in favor (4-0).

ITEM I. Consider Acceptance of Fire Service Contract between St. John Township and the Town of Schererville for the year 2017

Mr. Volkmann stated that this is the standard contract we do every year and there was no increase in the contract from last year. The contract amount is $29,426.00.

Mr. Connelly made a motion to accept the Fire Service Contract between St. John Township and the Town of Schererville, seconded by Mr. Schmitt. All in favor (4-0).

ITEM J. Consider Acceptance of License Agreement for Access to Grade Crossing Data between Wisconsin Central LTK (CN Railroad) and the Town of Schererville

Mr. Volkmann stated that this is for the rail notification system that will be installed at the Schererville Dispatch Center. He stated that it gives the emergency response personnel information as to whether the gates are up or down at various crossings in Schererville and the surrounding communities.

Mr. Connelly made a motion to accept the License Agreement, seconded by Mr. DeJong. All in favor (4-0).

ITEM K. Consider Approval of Settlement Agreement between the Town of Schererville and Atlas Copco Compressors LLC

(High Speed Blower at WWTP)

Mr. Schmitt made a motion to approve the Settlement Agreement between the Town of Schererville and Atlas Copco Compressors LLC, seconded by Mr. DeJong. All in favor (4-0).

ITEM L. Consider Request from Schererville Park Department to Serve Beer and Wine at the Celebrate Schererville Festival held at Redar Park from Wednesday, June 14, 2017 Through Sunday, June 18, 2017.

Mr. Connelly made a motion to allow the Schererville Parks Department to serve Beer and Wine at the Celebrate Schererville Festival, seconded by Mr. Schmitt. All in favor (4-0).

ITEM M. Consider request from Schererville Parks Department to Serve Beer and Wine at the Party in the Park Events held At Redar Park on Friday, May 5, 2017; Friday, May 12, 2017; Friday May 19, 2017: Friday, June 9, 2017; and Friday, July 7, 2017

Mr. Volkmann stated that these are the events instead of the Farmer's Market.

Mr. Connelly made a motion to allow the Schererville Parks Department to serve Beer and Wine at the Party in the Park (dates listed above) seconded by Mr. Schmitt. All in favor (4-0).

ITEM N. Consider Request from Schererville Park Department to Serve Beer and Wine at the Fourth of July Fireworks Event held at Rohrman Park on Friday, June 30, 2017

Mr. Schmitt made a motion to allow the Schererville Parks Department to serve Beer and Wine at the Fourth of July Fireworks, seconded by Mr. DeJong. All in favor (4-0).

ITEM O. Consider Request from Schererville Chamber of Commerce To serve Beer and Wine at the Annual Corn Roast held at Redar Park on July 28, 2017

Mr. Schmitt made a motion to allow the Chamber of Commerce to serve beer and wine at the Annual Corn Roast, seconded by Mr. Connelly. All in favor (4-0).

ITEM P. Consider Request from Schererville Park Department to Allow Beer and Wine at the Northwest Indiana Symphony Held at Redar Park on Saturday, August 12, 2017

Mr. Connelly made a motion to allow the Schererville Parks Department to allow alcohol at the Northwest Indiana Symphony at Redar Park, seconded by Mr. Schmitt. All in favor (4-0)

ITEM Q. Consider Request from Schererville Chamber of Commerce To Serve Beer and Wine at the Wurst Fest held at Redar Park on Saturday, September 9, 2017

Mr. Connelly made a motion to allow the Chamber of Commerce to allow Beer and Wine at the Wurst Festival, seconded by Mr. Schmitt. All in favor (4-0).

ITEM R. Consider Request from Schererville Parks Department to Serve Beer and Wine at the Country-A-Fair held at Redar Park on Saturday, September 16, 2017

Mr. Schmitt made a motion to allow the Schererville Parks Department to serve Beer and Wine at the Country-A-Fair, seconded by Mr. Connelly. All in favor (4-0)

ITEM S. Proclaim April 9th through April 15th as National Telecommunicator's Week

Mr. Troxell read the Proclamation in its entirety. Mr. Schmitt made a motion to proclaim April 9, 2017 as National Telecommunicator's Week in the Town of Schererville, seconded by Mr. Connelly. All in favor (4-0).

ITEM T. Consider Acceptance of Donations - $6,201.42

Mr. Schmitt made a motion to accept the donations as read, seconded by Mr. DeJong. All in favor (4-0).

THEREUPON, Business from the floor

Dawn McHale from New Lenox, IL stated that she works for Quarry Cartage and she received a call from the owner this afternoon and stated that he received a call from Jeff, but unfortunately, he was unable to come to the meeting this evening because he was working in the field. She stated that Jeff had expressed some concerns whether Mr. Dejoris would be able to provide stone and road material at 2 a.m. in the morning in case of an emergency. Mr. Dejoris told Jeff that he has a yard if that is the case, which was not part of the contractor bid from Public Works. Ms. McHale said she does not have the bid in front of her but she does not recall that being part of the bid, that we had to be on call at 2:00 a.m. for emergency road material. She said if that was the case Mr. DeJoris did tell Jeff that we would get the supply or inventory in advance and put it in a yard if need be. Ms. McHale stated that she feels the bid was stolen from us.

Attorney Austgen stated that the bids are public record and if Mr. Dejoris wants to come and look at them he may. Attorney Austgen stated that there is a statutory process and there are criteria by which lowest responsive and responsible status is identified. Attorney Austgen stated that Mr. Volkmann did not indicate that Quarry Cartage was not qualified, he indicated his recommendation was as to the lowest responsive and responsible bidder.

Meeting adjourned.

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ROB GUETZLOFF
TOWN COUNCIL PRESIDENT

_____
JANICE M. MALINOWSKI
TOWN CLERK-TREASURER

A TRUE COPY